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EXAMINER	
DUBASKY, GIGI L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/781,796	CHOI, TAEK-KYUN	
	Examiner	Art Unit	
	GIGI L. DUBASKY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24 and 29-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24 and 29-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Claims 25-28 have been cancelled.

Claims 1-24 and 29-32 are pending.

1. The objections of claims 5-6, 8, 18-19 and 21 have been withdrawn in light of the Applicant's amendments.

2. Applicant's arguments in the Remarks filed on 10/01/2009 have been fully considered but they are not persuasive.

In response to the Applicant's arguments on page 9 second paragraph, examiner respectfully disagrees. The cited Nishimura discloses the CPU 51 (Figure 4), which is connected to a PCI bus 56 via host bus 52 and north bridge 53, boots a capture program in conjunction with an E-mail program (¶ [0098] and ¶ [0105]) to capture a moving image and to transmit the captured moving image via E-mail attachment through a network in accordance with user commands (¶ [0101] and ¶ [0103]). Nishimura clearly discloses the video controller 57 controls the display of video data furnished over the PCI bus 56 while sending the video data from the video camera 102 to the PCI bus (¶ [0071]) to be transmitted out via a network. Moreover, as shown in Figure 6, Nishimura's system is capable of controlling display of moving picture furnished over a communication network (¶ [0095]) in display area 206 of the capture window 202 also in display area 236 of the mail window 230 (¶ [0112]) and

simultaneously controlling capture of displayed moving image (¶ [0097]) and transmission of the displayed moving image (¶ [0113]). Nishimura also discloses a notebook personal computer (Figure 2) as well as a mobile station such as a portable telephone set (Figure 15) both serve as transmission terminals to perform functions of Nishimura's invention (¶ [0159]). Therefore, the combined system of Ortiz and Nishimura clearly discloses all claimed limitations in amended claims 1 and 12.

In regarding to all dependent claims of claims 1 and 12 with the arguments of the same reasons as in claim 1, they are respectfully traversed with the same reason aforementioned in claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7, 9-10, 12-20, 22-23 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 2003/0112354) in view of Nishimura (US 2002/0051181).

Regarding claim 1, Ortiz discloses an apparatus for transmitting a television signal in a mobile communication terminal capable of receiving the television signal, the apparatus comprising:

a first receiver (element 17 in Figure 1 as a receiver) for receiving a communication signal, wherein the communication signal is associated with a communication function of the mobile communication terminal (¶ [0054] lines 4-10 for transceiving wireless data from/to wireless communications network);

a second receiver (element 34 in Figure 1) for receiving the television signal (¶ [0057] lines 6-8 and ¶ [0064] lines 6-10 for receiving public television broadcasts);

an input section (element 33 in Figure 1);

a control section (element 10 in Figure 1) for receiving, according to the signals generated by the input section, a command signal (¶ [0051] lines 8-14 for the CPU of handheld device performs as a main controller operating; ¶ [0056] lines 1-9 for receiving user input command signal such as viewing images on the display) and controlling the television signal to be displayed (¶ [0053] lines 1-4 for controlling display 18);

a memory (element 24 in Figure 1); and

a transmission section (element 17 in Figure 1 as a transmitter) for transmitting the wireless data (¶ [0054] lines 4-10 for transceiving wireless data from/to wireless communications network).

Ortiz is silent about generating command signals for capturing and transmitting the received broadcast signal and simultaneously controlling the broadcast signal to be displayed as well as to be captured and transmitted.

Nishimura discloses a system of transmitting and receiving an E-mail with an attached file which is a file of a captured image, speech, music or moving pictures (¶ [0045]). Nishimura discloses a notebook personal computer (Figure 2) as well as a

mobile station such as a portable telephone set (Figure 15) both serve as transmission terminals to perform functions of Nishimura's invention (¶ [0159]). Nishimura discloses the CPU 51 (Figure 4), which is connected to a PCI bus 56 via host bus 52 and north bridge 53, boots a capture program in conjunction with an E-mail program (¶ [0098] and ¶ [0105]) to capture a moving image and to transmit the captured moving image via E-mail attachment through a network (¶ [0095]-[0097]) in accordance with user commands (¶ [0101] and ¶ [0103]). Nishimura clearly discloses the video controller 57 controls the display of video data furnished over the PCI bus 56 while sending the video data from the video camera 102 to the PCI bus (¶ [0071]) to be transmitted out via a network. Moreover, as shown in Figure 6, Nishimura's system is capable of controlling display of moving picture furnished over a communication network (¶ [0095]) which includes digital satellite broadcast (¶ [0187] lines 7-9) in display area 206 of the capture window 202 also in display area 236 of the mail window 230 (¶ [0112]) and simultaneously controlling capture of displayed moving image (¶ [0097]) and transmission of the displayed moving image (¶ [0113]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ortiz's mobile terminal with the capability of displaying the moving images or still images as well as capturing and transmitting them as taught by Nishimura, so to allow the user at the transmitting terminal to have better view of the image being sent and to be capable of sharing image files to others.

Regarding claim 2, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the captured image includes still image data (taught by Nishimura; ¶ [0045] lines 19-23 for the image file is a captured still image).

Regarding claim 3, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the captured image includes moving image data (taught by Nishimura; ¶ [0045] lines 19-23 for the image file is a capture moving picture).

Regarding claim 4, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses a file compressor for compressing the captured image (taught by Nishimura; ¶ [0143] for compressing the captured image into a file).

Regarding claim 5, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 4. The combined system further discloses the file compressor compresses the still image data in one selected from the group of extensions consisting of Joint Photographic Experts Group (JPEG), BitMap (BMP), Graphics Interchange Format (GIF), Picture Image Compression (PIC), Tag Image File Format (TIFF), Portable Document Format (PDF), and Extension Post Script graphics

(EPS) formats (taught by Nishimura; ¶ [0149]-[0150] for compressed image in GIF, PNG, TIFF and JPEG format).

Regarding claim 6, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 4. The combined system further discloses the file compressor compresses the moving image data in one selected from the group of extensions consisting of Moving Pictures Expert Group (MPEG), Advanced Streaming Format file (ASF), Advanced Streaming Redirect file (ASX), AVI, Data file for video CD MPEG movie (DAT), Animator Animation (FLI), Animator Animation most recent version of FLI format (FLC), Apple QuickTime Movie (MOV), MPEG Movie (MPG), Real Audio (RA), Real Media (RAM), Real Media (RM), MPEG layer 2 movie (VOB), and Vivo Active Movies (VIV) formats (taught by Nishimura; ¶ [0154] and ¶ [0167] for the captured moving picture in MPEG format).

Regarding claim 7, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses an image converter for converting a video image size of the captured image (taught by Nishimura; ¶ [0018], ¶ [0048] lines 24-30, ¶ [0093] and ¶ [0142] for converting the size of captured image file to fix with the capacity of receiving terminal).

Regarding claim 9, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the

transmission section transmits a captured image, which is stored in the memory, by a phone-to-phone method (taught by Nishimura; see Figure 1 for transmitting files between phones via public network).

Regarding claim 10, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 1. The combined system further discloses the transmission section transmits a captured image, which is stored in the memory, together with an email (taught by Nishimura; see abstract).

Regarding claims 12-13, all limitations of claims 12-13 are analyzed corresponding to all functionalities of the apparatus of claim 1. So, claims 12-13 are rejected under the same rationale as claim 1.

Regarding claim 14, all limitations of claim 14 are analyzed corresponding to all functionalities of the apparatus of claim 2. So, claim 14 is rejected under the same rationale as claim 2.

Regarding claim 15, all limitations of claim 15 are analyzed corresponding to all functionalities of the apparatus of claim 3. So, claim 15 is rejected under the same rationale as claim 3.

Regarding claim 16, Ortiz in view of Nishimura discloses the apparatus as discussed in the rejection of claim 12. The combined system further discloses storing the captured image in a memory after the step of capturing the image (taught by Nishimura; ¶ [0143] for saving the compressed captured image as a file to be attached with email).

Regarding claim 17, all limitations of claim 17 are analyzed corresponding to all functionalities of the apparatus of claim 4. So, claim 17 is rejected under the same rationale as claim 4.

Regarding claim 18, all limitations of claim 18 are analyzed corresponding to all functionalities of the apparatus of claim 5. So, claim 18 is rejected under the same rationale as claim 5.

Regarding claim 19, all limitations of claim 19 are analyzed corresponding to all functionalities of the apparatus of claim 6. So, claim 19 is rejected under the same rationale as claim 6.

Regarding claim 20, all limitations of claim 20 are analyzed corresponding to all functionalities of the apparatus of claim 7. So, claim 20 is rejected under the same rationale as claim 7.

Regarding claim 22, all limitations of claim 22 are analyzed corresponding to all functionalities of the apparatus of claim 9. So, claim 22 is rejected under the same rationale as claim 9.

Regarding claim 23, all limitations of claim 23 are analyzed corresponding to all functionalities of the apparatus of claim 10. So, claim 23 is rejected under the same rationale as claim 10.

Regarding claim 29, all limitations of claim 29 are analyzed corresponding to all functionalities of the apparatus of claim 5. So, claim 29 is rejected under the same rationale as claim 5.

Regarding claim 30, all limitations of claim 30 are analyzed corresponding to all functionalities of the apparatus of claim 6. So, claim 30 is rejected under the same rationale as claim 6.

Regarding claim 31, all limitations of claim 31 are analyzed corresponding to all functionalities of the apparatus of claim 5. So, claim 31 is rejected under the same rationale as claim 5.

Regarding claim 32, all limitations of claim 32 are analyzed corresponding to all functionalities of the apparatus of claim 6. So, claim 32 is rejected under the same rationale as claim 6.

5. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 2003/0112354) in view of Nishimura (US 2002/0051181) and further in view of Bagni et al (US 6236760).

Regarding claim 8, Ortiz in view of Nishimura discloses all limitations of the apparatus as discussed in the rejection of claim 7. The combined system further discloses the converted image size is 180x144 pixels to be displayed (taught by Nishimura; ¶ [0166]) and is capable of adjusting and re-setting variables to decrease the image file size (taught by Nishimura; ¶ [0145]).

However, the combined system does not explicitly disclose the converted image size is one of dimensions including 128x112 dots and 128x96 dots.

Bagni discloses this limitation (Col 5 lines 36-45 for down converting image to size 128x96 pixels).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Ortiz and Nishimura with the teaching of Bagni for down converting image to size 128x96, so to save more bandwidth for transmission the image file.

Regarding claim 21, all limitations of claim 21 are analyzed corresponding to all functionalities of the apparatus of claim 8. So, claim 21 is rejected under the same rationale as claim 8.

6. Claims 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz et al (US 2003/0112354) in view of Nishimura (US 2002/0051181) and further in view of Yi (US 7003040).

Regarding claim 11, Ortiz in view of Nishimura discloses all limitations of the apparatus as discussed in the rejection of claim 1.

The combined system does not disclose a display section which includes a first display area for video-processing and displaying the television signal and a second display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section.

Yi discloses a cellular phone having a display section which includes a first display area for video-processing and displaying the video signal and a second display area for displaying a user function selection menu in such a manner that the menu can be selected by the input section (see Figure 2 for display has two distinct areas, display section of image and user menu along side and bottom).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined system of Ortiz and Nishimura with the teaching of Yi, so to enhance user's viewing experience.

Regarding claim 24, all limitations of claim 24 are analyzed corresponding to all functionalities of the apparatus of claim 11. So, claim 24 is rejected under the same rationale as claim 11.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIGI L. DUBASKY whose telephone number is (571)270-5686. The examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

GD